



## **Chapter 17 - Public Building Registry**

### **ARTICLE I - PURPOSE**

It is the purpose of this ordinance to set forth the type of buildings, schedule, certificate(s) and fees required for those buildings subject to the Public Building Registry.

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### **ARTICLE III - DEFINITIONS**

**BUILDING INSPECTOR** shall mean the duly appointed building inspector of the City or his/her designated assistant.

**CODE ENFORCEMENT OFFICER** shall mean the Director of Code Enforcement or duly authorized municipal official.

**CERTIFICATE OF FITNESS** shall mean the written approval, signed by the Code Enforcement Officer, or duly authorized municipal official, setting forth that



the building, structure and premises comply with duly adopted life safety and housing codes. This Certificate of Fitness is required prior to a dwelling unit, or a public building, to be occupied.

CERTIFICATE OF OCCUPANCY shall mean the written approval of the Zoning Administrator certifying that a newly constructed structure, addition and or alterations to an existing structure, or an existing structure undergoing a

change in use is in full compliance with the zoning provisions of Municipal By-laws, Ordinances and Codes adopted under the authority of the City Charter.

OWNER shall mean the owner or owners of the freehold of the premises or lessor estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or any duly authorized agent thereof.

PUBLIC BUILDING is as defined in 20 V.S.A. § 2730.

#### **ARTICLE IV - PUBLIC BUILDING REGISTRY**

##### **SECTION 17.01 - REGISTRY REQUIRED**

- A. The City of Winooski Code Enforcement Department is responsible for ensuring that all public buildings, as defined in 20 V.S.A. § 2730, in the City of Winooski are maintained at established and adopted standards to protect the health, safety, and welfare of the occupants.
- B. The Winooski Minimum Housing Code requires that a Certificate of Fitness be issued prior to the occupancy of any public building or residential rental dwelling unit within the city. All public building and/or residential rental property owners shall file a yearly Registry Application identifying their public buildings subject to the inspection requirements in the City of Winooski.

Statutory Cross-Reference: 20 V.S.A. § 2730.



**SECTION 17.02. - ADMINISTRATION**

- A. Administration and enforcement is the responsibility of the Winooski Code Enforcement Office. Enforcement will be provided by any duly authorized municipal official.
- B. All records, including inspection reports, records of complaints received and investigated, and plans for inspections of public buildings, shall be available for public inspection.

**SECTION 17.03 - REGISTRY INFORMATION REQUIRED**

- A. Public building property owners must provide the following information to the department:
  - 1. The address of the property.
  - 2. The number of units at that address.
  - 3. The mailing address of each unit.
  - 4. The number of bedrooms, if applicable.
  - 5. The name, address and phone number of the property owner, corporation, or registered corporate agent.
  - 6. The name, address and phone number of any managing agent.
  - 7. The name, address and phone number of a local emergency contact located in Chittenden County and/or a designated person within the state responsible for services on the property.
- B. Upon purchase or transfer of each property containing one or more residential rental units, the purchaser shall file a new landlord registration application.
- C. Prior to occupancy of any newly constructed rental unit or any conversion of the use to a rental unit, the owner shall file an application for landlord registration with the enforcement department.



- D. It shall be a violation of City codes for an owner of any public building within the city to fail to register as required by this section.
- E. Property owners shall have a continuing obligation to notify the City of any changes in the information required above during the periods between filings of the landlord registration application.

#### **SECTION 17.04 - INSPECTION CYCLE**

- A. All public buildings are subject to inspection pursuant to this Chapter. Every four (4) years, a life safety and housing code inspection for each residential rental dwelling unit is required. A Certificate of Fitness will be issued based on the results of the inspection, as appropriate.
- B. All other public buildings, as defined, will be inspected on an annual basis.

#### **SECTION 17.05 - INSPECTION REQUIREMENTS**

- A. The Code Enforcement Officer shall make scheduled, periodic inspections of all public buildings and/or residential rental dwelling units within the city.
- B. The following buildings may be excluded from periodic inspection with approval of the City:
  - 1. Public Buildings owned by a government agency that conducts annual inspections under the HUD (Housing and Urban Development) Program.
  - 2. Buildings owned by nonprofit organizations under housing requirements and inspected by another government authority.
  - 3. Buildings owned by individuals, corporations, partnerships or organizations that are subject to inspections by another government authority.



- C. All buildings that are excluded from this program as pursuant to Section 13.05(B) shall provide an inspection report, which has been performed by a Certified Fire Inspector I or equivalent, to the City for approval. The issuance of a Certificate of Fitness for these structures and such documents shall be recorded in the City Land Records.

#### **SECTION 17.06 - SCHEDULING INSPECTION**

- A. The Code Enforcement Office shall schedule with the property owner or his / her agent the date and time of the life safety and housing code inspection. The owner or the agent shall arrange for the inspection within sixty days of the initial request, and shall provide the occupant(s) with notice of an inspection not less than forty-eight (48) hours prior to the actual inspections as provided in 9 V.S.A. § 4460 for residential rental units. During the inspection, the owner shall provide access to the rental units and all common areas, including basements and other spaces.
- B. If an inspection does not occur within two months of the first (1<sup>st</sup>) request for any reason other than delay on the part of the Code Enforcement Office, it shall constitute a violation of this ordinance subject to forfeiture and / or withdrawal of any Certificate of Fitness.
- C. If the Code Enforcement Officer has reason to believe that an emergency situation exists tending to create an immediate danger to the health, welfare or safety of the occupants of any dwelling unit or the general public, he/she may enter, examine and inspect the public building unit at any time.
- D. Persons requesting inspections for buildings lacking a valid Certificate of Occupancy recorded in the land records in order to refinance or to transfer ownership of the property will do so in writing. These out-of-cycle inspections will be scheduled as soon as possible and no later than sixty (60) days from receipt of a written request.



**SECTION 17.07 - CERTIFICATE OF FITNESS**

- A. It shall be a violation of the Winooski Minimum Housing Code for an owner of a public building unit within the city that is subject to inspections pursuant to this chapter to rent or allow any person to occupy any public building without a Certificate of Fitness.
- B. Certificates of Occupancy will not be issued for public buildings without current Public Building Registry Applications and a current Certificate of Fitness on file in the land records.

**SECTION 17.08 - ISSUANCE OF CERTIFICATES AND TERMS OF INSPECTIONS**

- A. Upon completion of the initial inspection, if a public building is found to be in compliance with the life safety and housing codes and all other adopted applicable Federal, State, and Municipal Codes, the Code Enforcement Officer shall issue a Certificate of Fitness, which shall expire four (4) years from the date of issuance for residential rental dwelling units and every year for all other public buildings.
- B. Upon completion of the initial inspection of a residential rental dwelling, if an individual unit is cited for five (5) or less minor non life-threatening violations of the life safety and housing codes, and if violations have been corrected within the time set for compliance, the Code Enforcement Officer shall issue a Certificate of Fitness which shall expire four (4) years from the date of issuance.
- C. Upon completion of the initial inspection of a residential rental dwelling, if any individual unit is cited for more than five (5) minor non life-threatening violations of life safety and housing codes, the department shall issue a conditional Certificate of Fitness for that public building, which shall expire within, and no more than one (1) year from the date of issuance.
- D. There shall be no fee for follow-up inspections for verification by the Code Enforcement Officer that corrective actions have been completed.



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- E. Upon completion of the initial or any subsequent inspection of a public building, if any individual unit is cited for any of the following conditions the Code Enforcement Officer shall declare the dwelling unit uninhabitable and deny the issuance of a Certificate of Fitness:
1. The physical condition or use of any public building constitutes a public nuisance;
  2. Any physical condition, use or occupancy of any public building or its appurtenances that is considered an attractive nuisance to children, including, but not limited to, abandoned vehicles, appliances, basements and unsafe fences and structures;
  3. Any public building that has unsanitary sewage or plumbing facilities;
  4. Any public building that is designated as unsafe for human habitation or use;
  5. Any public building that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life, limb or property;
  6. Any public building dwelling from which the plumbing, heating, fire protection systems, fire detection systems, or other facilities required by law have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided;
  7. Any public building that is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds, or which has nests or exhibits insects, pests, or rodents;
  8. Any public building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent of not providing shelter; in danger of collapse or failure and dangerous to anyone on or near the dwelling.
  9. Any public building that is determined to be a health hazard, i.e., high carbon monoxide levels, unmitigated lead paint hazard, poisons present, and improper storage of flammables.



- F. The department shall issue a Certificate of Fitness for a term of four (4) years for a newly constructed residential rental dwelling unit and one (1) year for all other public buildings, upon final inspection of the duly authorized municipal official.
- G. Nothing in this section shall preclude the inspection of said public building more frequently than the term of the Certificate of Fitness.
- H. A Certificate of Fitness may be revoked if a subsequent inspection finds that any public building unit is no longer in compliance with the provisions of the Minimum Housing Code.
- I. Prior to the issuance of a Certificate of Fitness, all registration and additional inspection fees shall be paid to the City.
- J. The City retains the right to require public buildings be subject to a more frequent inspection cycle for repeat violations and noncompliance.

#### **SECTION 17.09 - ISSUANCE OF A CONDITIONAL CERTIFICATE**

The City may issue a Conditional Certificate of Fitness whenever the Code Enforcement Officer is unable to inspect a public building unit after the expiration of an existing certificate, or more time is required to remedy a minor code violation cited on an inspection report, when the inability to inspect is not due to obstruction by the property owner or agent.

#### **SECTION 17.10 - FEES**

As prescribed in Winooski City Ordinance, Chapter 28; Code Enforcement Department.



**SECTION 17.11 - FINES AND PENALTIES**

- A. Unless otherwise stated, any violation of this Chapter shall be a civil violation and subject to civil penalties and enforcement as provided for in Chapter 1, Section 1.11 of Winooski City Code.

Statutory Cross-Reference: 24 V.S.A. § 1974a

- B. In addition, if the City determines that a person has failed to pay the registration fee due under this section, the City of Winooski shall mail to such person a statement showing the balance due and shall add thereto a twenty-five (\$25.00) late payment fee plus interest at a rate of twelve (12%) percent per year. The unpaid balance and penalty shall be subject to interest at a rate of twelve (12%) percent per year from the due date until the date of payment.
- C. The charges levied in this chapter shall constitute a lien upon the property on which the rental unit is situated and may be enforced within the time and manner provided for collection of taxes on property